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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
AT SAN FRANCISCO**

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO,
et al.,

Plaintiffs,

v.

UNITED STATES OFFICE OF
PERSONNEL MANAGEMENT, et al.,

Defendants.

NO. 3:25-cv-01780-WHA

DECLARATION OF DWIGHT
DIVELY, DIRECTOR, MARTIN
LUTHER KING, JR. COUNTY
PERFORMANCE, STRATEGY &
BUDGET

DECLARATION OF DWIGHT DIVELY
NO. 3:25-cv-01780-WHA

ATTORNEY GENERAL OF WASHINGTON
Complex Litigation Division
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1 I, Dwight Dively, declare as follows:

2 1. I am the Chief Operating Officer and Director of Performance, Strategy and
3 Budget (“PSB”) for the Martin Luther King, Jr. County (“King County”). I have been in this
4 position since 2010. I am also a member of Executive Dow Constantine’s Senior Leadership
5 Team. Before joining King County, I was the City of Seattle Director of Finance for 15 years. I
6 am also an affiliate assistant professor at the University of Washington Evans School of
7 Public Policy and Governance.

8 2. I am over the age of 18 years, am competent to testify as to the matters in this
9 declaration, and make it based on personal knowledge, and on my review of relevant business
10 records. As King County’s Chief Operating Officer, I am charged with overseeing and
11 understanding county operations and its various books of business.

12 3. Located in the Pacific Northwest, at 2,307 square miles, King County is the
13 largest county in Washington State and almost twice the land area of the state of Rhode Island.
14 With a population of approximately 2.3 million people, King County is the twelfth most
15 populous county in the United States. King County contains over 800,000 acres of forests, more
16 than 60 named lakes, over 3,000 miles of rivers and streams, and is bounded by Puget Sound to
17 the west. While the eastern portion of King County is dominated by the Cascade Mountain
18 Range, King County’s 39 cities, the largest of which is the City of Seattle, are primarily located
19 in the western lowlands. King County owns over 200 parks, 175 miles of regional trails, and
20 215 miles of backcountry trails. It is home to some of Washington’s most successful businesses,
21 including Microsoft, Amazon, Starbucks, Costco, and Boeing, as well as the University of
22 Washington.

1 4. King County government provides a full range of local and regional, urban and
2 rural services across the County's diverse geography, managing nearly 17,700 employees and
3 an overall approximately \$10.2 billion dollar budget. Among other things, King County operates
4 a regional wastewater service, one of the largest bus transit systems in the county, a water-based
5 transit service, and an international airport. The county sheriff provides direct law enforcement
6 services for unincorporated King County, and twelve contract cities, as well as county-wide
7 services mandated by state law. King County supports all felony prosecution and adjudication
8 of state crimes committed within the County's boundaries through provision of the King County
9 Prosecuting Attorney's office, the Department of Public Defense, and both Superior and District
10 Court services. It runs extensive public health, social health, and mental health services and
11 supports other social service infrastructure for homeless, migrant, and refugee populations. The
12 County is also responsible for overseeing King County voting in local, state, and federal
13 elections and funding emergency management services.

14 5. I am responsible for developing and monitoring the biennial King County budget,
15 implementing the King County Strategic Plan, identifying and tracking performance measures,
16 developing and implementing the King County Comprehensive Plan, overseeing business
17 planning, and managing many of the grants received by the County. I oversee a wide range of
18 activities, including project analysis, financial forecasting, program evaluation, demographic
19 analysis, and policy development. I also track the budgets of individual King County
20 departments and the public services they provide.

21 6. King County works closely with various federal agencies in performing mission
22 critical work and helping the federal government meet its legal and constitutional objectives
23

1 under our federalism system. The county's 2025 general fund and enterprise operating budgets
2 include more than \$200 million in federal revenue. Some federal funding is received indirectly
3 through the state of Washington.

4 7. King County's capital budget is supported by federal revenue forecasted for
5 several years into the future. The amount of federal capital funds either awarded to King County
6 for 2025 or included in the budget for 2025 based on congressionally required formula funding
7 is approximately \$500 million. Capital projects require dependable funding sources over the
8 lengthy timelines required for design through full project build out and always require the
9 County to make extensive third-party contract commitments.

10 8. An important consideration for both operating and capital expenditures funded
11 by the federal government is the timeliness of federal disbursements. King County fulfills its
12 mission critical functions both through the efforts of its employees and through the services of
13 third-party contractors. The county does not have the ability—particularly in a time of general
14 fund shortfalls and revenue challenges—to float federal debts or untimely payments that are
15 owed to the county. Timely federal reimbursement necessarily depends on the availability of
16 federal employees to accept reimbursement requests, process those requests, approve them, and
17 issue payments. Lapses in federal payment timelines increase costs for county operations and
18 can have a substantial deleterious impact on third parties that work with the county, including
19 nonprofit organizations who already struggle financially to stretch each dollar in serving the
20 public.

21 9. The February 13, 2025, summary termination of tens of thousands of federal
22 employees from various agencies as directed by the United States Office of Personnel
23

1 Management (“OPM”) had immediate impacts to County operations, planning, and delivery of
 2 services to the people of King County. Continued reductions in the federal workforce, including
 3 draconian cuts to local EPA, HUD, and NOAA offices, have exacerbated these negative impacts.
 4 County staff have been unable to reach federal employees who are responsible for managing
 5 awarded grants that provide critical funding for current projects and operations. Federal
 6 employees directly engaged in delivery of county services have been fired with no notice or
 7 replacement. Meetings and national briefing calls staffed by federal employees to disseminate
 8 information critical to service delivery, crisis response, and continuous improvement have been
 9 canceled. Emails and calls go unanswered.

10 10. The following are just some examples of impacts that OPM-directed firings have
 11 had on King County operations, including future impacts from additional terminations of federal
 12 employees:

13 a. **Community and Human Services**

- 14 i. King County works closely with U.S. Department of Housing and Urban
 15 Development (HUD) Community Planning and Development staff (CPD
 16 representatives) to administer approximately \$38 million in Continuum of
 17 Care (CoC) funds and approximately \$9 million in Community Development
 18 Block Grant (CDBG), HOME Investment Partnerships (HOME), and
 19 Emergency Solutions Grant (ESG) funds. The CPD representatives are
 20 responsible for initiating and signing HUD contracts to distribute these funds
 21 to the County, and for processing amendments to expedite program execution.
 22 Currently, the County has been notified of its \$38 million in FY 2024 funding
 23

1 but has yet to receive award letters or contracts. The County has executed
 2 contracts in place with service providers and is covering the federal revenue
 3 commitment while awaiting federal contracts and reimbursement, but this
 4 situation is not sustainable over the longer term.

5 ii. If termination of HUD staffing extends the delay in federal contracting,
 6 reimbursement, and release of grant funds, the County may have to cancel
 7 contracts with service providers, which would result in the following:

- 8 • discontinuation of rent payments (\$20 million of the CoC funds) and
 9 likely eviction of individuals;
- 10 • discontinuation of support operations and services for permanent
 11 supportive housing buildings, cascading to provider staff layoffs and
 12 unsafe environments for residents and staff (\$17 million in CoC
 13 funds); and
- 14 • pauses in ongoing capital projects that support community center
 15 health and safety improvements, senior center elevator replacement,
 16 affordable housing, and housing repair (\$9 million in CDBG and
 17 HOME).

18 iii. HUD staff are instrumental in supporting compliance with National
 19 Environmental Policy Act (NEPA) requirements, including issuance of HUD
 20 Form 7015.15, the Authority to Use Grant Funds (AUGF). Without the
 21 AUGF, the County cannot release funds awarded to affordable housing
 22
 23

development. Decreased HUD staff capacity could cost housing developers hundreds of thousands of dollars in project delays.

- iv. In 2021, King County launched Collaborative Case Management (CCM), a first-of-its-kind program blending Housing and Urban Development—Veterans Affairs Supportive Housing (HUD-VASH) rental assistance vouchers with local housing navigation and supportive services offered by the King County Veterans Program (KCVP). Earning a National Association of Counties (NACo) 2023 Achievement Award recognizing innovative county government programs, CCM depends on close collaboration with federal employees implementing the HUD-VASH program. On January 29, County staff learned that the VA had received a directive from the federal administration prohibiting communication and coordination with any non-federal organization. Subsequent updates indicated VA referrals to CCM had resumed, but case conferencing and coordination of initial triage of veterans trying to enter the program remains limited. The County’s ability to serve veterans has diminished significantly with cuts to the federal workforce.
- v. King County serves tens of thousands of people through Medicaid. In 2024, the County served 50,000 individuals through the King County Integrated Care Network and received \$310 million in state and federal Medicaid funds. A reduction in federal staff capacity to administer Medicaid billings and disbursements would result in a huge debt load to the County and endanger critical services for vulnerable populations.

1 **b. Emergency Management**

- 2 i. A reduction in force at the National Oceanic and Atmospheric
3 Administration's (NOAA) National Weather Service, Cybersecurity &
4 Infrastructure Security Agency (CISA), and Federal Emergency Management
5 Administration (FEMA) will reduce capacity for interagency emergency
6 response teams to conduct outreach to communities and provide education
7 before major weather events like November 2024's "bomb cyclone"
8 windstorm, which resulted in several fatalities. This outreach and education
9 increases preparedness and resilience through, for example, disaster skills
10 training and enrollment in Alert King County, the region's mass emergency
11 alerting system.
- 12 ii. A reduction in force at FEMA will reduce the County's efficiency and
13 effectiveness in collecting information on public entity infrastructure damage
14 and response expenses after major disasters like earthquakes.
- 15 iii. The reduction in force at NOAA—NWS may result in the loss of the weekly
16 regional coordination calls that provide critical briefings on King County-
17 specific weather information. King County Emergency Management staff
18 might also no longer be able to rely on NWS to provide spot forecasts and
19 regular Weather Forecast Office (WFO) area-wide briefings on hazardous
20 weather. NWS likely will have limited ability to send personnel to the
21 King County Regional Emergency Operations Center (EOC) and incident
22 scenes to serve as an important liaison providing immediate access to
23

hazardous weather information that protects responder lives and safety in addition to the lives and safety of King County residents and visitors.

c. Public Health

- i. King County staff have not been able to reach the grant management specialist responsible for approving contract amendments for the REACH (Racial and Ethnic Approaches to Community Health) grant despite emailing, calling, leaving voicemails, calling the specialist's supervisor, and sending messages through the Grant Solutions platform. REACH is a CDC-funded program that uses proven strategies to help improve health, prevent chronic diseases, and reduce racial and ethnic health disparities and gaps. Due to this lack of communication, the County's amendment request to add a new contractor has remained unanswered. To mitigate as a short-term solution, the County is having to leverage different funding to secure the contract. This stop-gap measure is not sustainable as it will compromise the County's ability to deliver other important public health services.
- ii. The Community Health Worker Unit experienced a similar cessation in communication with their CDC Project Officer, receiving only an email response stating, "Your message couldn't be delivered to the recipient because you don't have permission to send to it." This resulted in confusion and concern about potential interruptions in grant-related work.
- iii. A participant in the Public Health Associate Program (PHAP), which is paid for by the CDC, was fired. This PHAP participant work in the County's

1 Sexual Health Clinic and saw Pre-Exposure Prophylaxis (PrEP) patients.
 2 King County's Sexual Health Clinic provides PrEP for HIV to the greatest
 3 number of people of any clinic in the state—roughly more than 1,000 patients.
 4 PrEP is a highly effective strategy to prevent HIV among people at high risk
 5 of contracting the disease. Cutting this position reduces capacity to deliver an
 6 effective prevention strategy, and this could in turn increase the risk of HIV
 7 transmission.

- 8 iv. Regularly scheduled national briefing calls, such as the National Lab call and
 9 Cluster Detection and Response call, continue to be cancelled, impeding
 10 dissemination of information across federal, state, and local public health
 11 officials and program staff.

12 **d. Local Services**

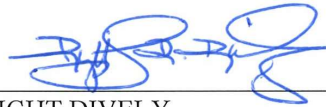
- 13 i. King County must work closely with the U.S. Army Corp of Engineers
 14 (Corps) to obtain permits for any capital project work done on navigable body
 15 of water designated as water of the United States, and for any work in any
 16 wetlands, whether contiguous or not, to such bodies of water. A federal
 17 nexus—the requirement of a Corps permit, the use of federal funds, or the use
 18 of federal funds—also initiates consultation processes with NOAA's National
 19 Marine Fisheries Service and the U.S. Fish and Wildlife Service (USFWS)
 20 for Endangered Species Act (ESA) and Essential Fish Habitat (EFH) review.
 21 King County hired two staff to expedite ESA review who report to NOAA
 22
 23

1 Fisheries and USFWS. Reductions in federal staffing could hinder reviews
2 and permits, and cause significant delays to County projects.

3 11. Due to the integration between federal, state, and local governments, there are
4 numerous other areas where cuts in the federal workforce will impede King County's mission-
5 critical operations. Because the actions of the Trump administration are unprecedented, the full
6 extent of adverse consequences that result from a substantially depleted federal workforce will
7 only become apparent over time.

8 I declare under penalty of perjury under the laws of the State of California and the
9 United States of America that the foregoing is true and correct.

10 DATED and SIGNED this 7th day of March 2025, at Seattle, Washington.

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13 DWIGHT DIVELY
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